

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE CLEMENTINE COMPANY, LLC
d/b/a THE THEATER CENTER;
WEST END ARTISTS COMPANY d/b/a
THE ACTORS TEMPLE THEATRE;
SOHO PLAYHOUSE INC. d/b/a SOHO
PLAYHOUSE; and CARAL LTD. d/b/a
BROADWAY COMEDY CLUB,

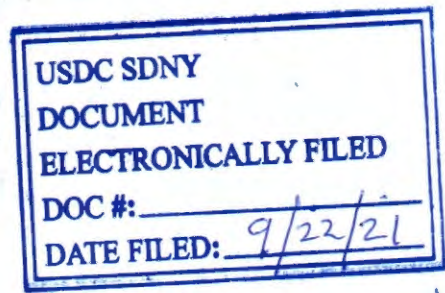
Plaintiffs,

-against-

BILL DE BLASIO, in his official capacity
as Mayor of New York City,

Defendant.
_____x

21-cv-07779-CM



SCHEDULING ORDER

McMahon, J.:

This action was today reassigned to this court.

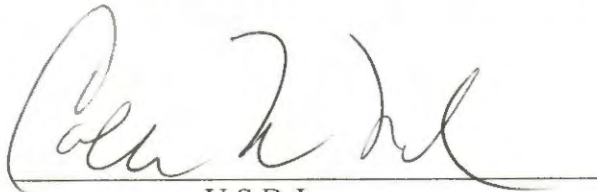
I see from an inspection of the docket that the plaintiffs have filed their as-of-right first amended complaint, together with a motion for a preliminary injunction.

The Mayor will, I assume, be represented by the Corporation Counsel. If that is not to be, please notify the court immediately.

The Mayor has until October 8, 2021 to respond to the motion for a preliminary injunction. In light of recent Supreme Court jurisprudence, the court is particularly interested in having the Mayor address the plaintiffs' standing to bring their claim, given that they are open for business and so are not restricted from engaging in constitutionally-protected speech, as they were during the period when they were closed. I do not mean to restrict the Mayor from raising whatever arguments he deems appropriate in opposition to the motion; but the possibility of a standing issue jumped out at me upon reading the complaint in this action, and I do not want to have to engage in a second round of briefing, as we did in the predecessor lawsuit.

Plaintiffs will have until October 20, 2021 to file a reply on their motion. If oral argument is required, the court will schedule it for the last week in October, after I have read the papers.

Dated: September 22, 2021



U.S.D.J.

BY ECF TO ALL COUNSEL